

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ST. JOSEPH PARISH ST.
JOHNS,

Plaintiff,

v

DANA NESSEL, in her official capacity as
Attorney General of Michigan; JOHN E.
JOHNSON, JR., in his official capacity as
Executive Director of the Michigan
Department of Civil Rights; PORTIA L.
ROBERSON, ZENNA FARAJ ELHASON,
GLORIA E. LARA, REGINA GASCOT-
BENTLEY, ANUPAMA KOSARAJU,
RICHARD CORRIVEAU, DAVID
WORTHAMS, and LUKE R. LONDO, in their
official capacities and members of the
Michigan Civil Rights Commission,

Defendants.

No. 1:22-cv-1154

HON. JANE M. BECKERING

MAG. PHILLIP J. GREEN

**DEFENDANTS' MOTION TO
DISMISS PLAINTIFF'S
AMENDED COMPLAINT
PURSUANT TO FRCP 12(b)(1)
AND (6)**

William J. Haun
Lori H. Windham
Nicholas R. Reaves
Attorneys for Plaintiff
The Becket Fund for Religious Liberty
1919 Penn. Ave. NW., Suite 400
Washington, DC 20006
202.955.0095
lwindham@becketlaw.org
whaun@becketlaw.org
nreaves@becketlaw.org

Tonya C. Jeter
Kimberly K. Pendrick
Attorneys for Defendants
3030 W. Grand Blvd., 10th Floor
Detroit, MI 48202
313.456.0067
jetert@michigan.gov
pendrickp@michigan.gov

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED
COMPLAINT PURSUANT TO FEDERAL RULES OF
CIVIL PROCEDURE 12(b)(1) AND (b)(6)**

Defendants, through counsel and under Fed. R. Civ. P. 12(b)(1) and 12(b)(6), move this Court to dismiss Plaintiff St. Joseph Parish St. Johns' (Plaintiff or St. Joseph) Amended Complaint. Defendants state in support:

1. Plaintiff's complaint should be dismissed because its claims are premature and thus not ripe for judicial review. Plaintiff's allegations are based on speculation and are insufficient to maintain its claims.

2. Plaintiff also lacks standing where it cannot establish the requisite injury-in-fact to supports its claims.

3. Plaintiff has failed to sufficiently plead a claim under the Fourteenth Amendment.

4. This Court should decline to issue declaratory relief where there is no actual controversy, there is no necessity to clarify the legal relations of the parties, and the issue of scope of religious exemptions for public accommodations has not yet been determined by any Michigan agency or court.

5. For these reasons and the reasons stated more fully in the accompanying brief in support, Defendants respectfully request that this Honorable Court enter an order dismissing Plaintiff's complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), in addition to any other relief this court deems just and equitable.

6. Pursuant to W.D. Mich. L.R. 7.1(d), counsel for Defendants contacted counsel for Plaintiff via email on March 28, 2023, to seek concurrence which was denied.

WHEREFORE, State Defendants ask this Court to dismiss Plaintiff's Amended Complaint in its entirety.

Respectfully submitted,

/s/ Tonya C. Jeter
Tonya C. Jeter (P55352)
Kimberly K. Pendrick (P60348)
Assistant Attorneys General
Attorneys for Defendants
Civil Rights and Elections Division
3030 W. Grand Blvd., 10th Floor
313.456.0067
jetert@michigan.gov
P55352

Dated: March 30, 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2023 I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

A courtesy copy of the aforementioned document was placed in the mail directed to:

Judge Jane M. Beckering
685 Federal Bldg
110 Michigan St NW
Grand Rapids MI 49503

/s/ Tonya Celeste Jeter
Tonya Celeste Jeter
Assistant Attorney General